

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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**FILE:** B-216644.3

**DATE:** January 22, 1985

**MATTER OF:** Communications Specialists Company, Inc.--  
Reconsideration

**DIGEST:**

Protest is dismissed where same issues before GAO are before court and court has not requested GAO decision.

Communications Specialists Company, Inc. (CSC), requests reconsideration of our decision in Communications Specialists Company, Inc., B-216644, Nov. 26, 1984, 84-2 C.P.D. ¶ 558, which dismissed CSC's protest on the grounds that we did not consider the denial of a temporary restraining order, without prejudice to a consideration of a request for a preliminary injunction pending a GAO decision of its protest, as an expression of court interest in receiving a GAO decision.

CSC contends that we should decide the protest on the merits notwithstanding the suit in court. CSC states that the only relief sought in the suit is injunctive relief pending our decision on the merits of the protest and that the substantive issues raised in the protest are not before the court. However, the Assistant United States Attorney has since filed a motion that includes a request for summary judgment on the same issues that are before our Office in the protest. The court's resolution of the motion for summary judgment could control the resolution of the protest. Accordingly, without the court's request for our decision, we decline to consider the protest.

CSC has alleged that the court expects a GAO decision. We have contacted the clerk of the court and been advised that no action has been taken on CSC's petition that the court request a GAO decision.

A handwritten signature in cursive script, reading "Milton J. Jordan".

Comptroller General  
of the United States

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